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|--|-------------|----------------------|---------------------------------|-----------------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/734,043 | 12/11/2003 | Valerie M. Bennett | RSW920030296US1 | 8736 |
| 43168 7590 03/04/2008 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742 | | | EXAMINER PONIKIEWSKI, TOMASZ | |
| | | | ART UNIT 2165 | PAPER NUMBER |
| | | | NOTIFICATION DATE 03/04/2008 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

Office Action Summary

Application No.

10/734,043

Applicant(s)

BENNETT ET AL.

Examiner

Tomasz Ponikiewski

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.
2. The amendment filed on 9/29/2007 has been received and entered. Claims 1, 3-4, 6-7, and 24-25 are pending. Amendment to specification has been acknowledged
3. Applicant's amendment has overcome the previous objection to specification and rejection under 101.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 25 recites "computer usable program code" not defined in the specification. As per amendment filed 9/29/2007 the specification has been changed to recite

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"computer readable program code". The recitation should be changed to be consistent throughout the disclosure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 6, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. (US 2005/0004911 A1) in view of Geller et al. (US 5,844,554).

As per claim 1 Goldberg et al. is directed to computer-implemented method of programmatically building queries, comprising:

building a query user interface to query a content source, wherein the query user interface comprises a plurality of query parameters, each query parameter comprising a unique query parameter name, a query qualifier, and a query parameter value (figure 7, reference numbers 750, 752, 758, 760), further comprising:

dynamically identifying the content source to be queried (paragraph 0035);

determining a plurality of content values specified in the

dynamically identified content source (paragraph 0035);

determining, based on the specified content values, a plurality of content types corresponding thereto (paragraph 0028, page 3, lines 1-9);

using at least one of the determined content types to consult a lookup component to obtain at least two query parameter names usable to query the content source (paragraph 0035, lines 5-8, wherein “usable is unnecessary and it is suggested to be removed);

identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name (paragraph 0041, wherein “usable is unnecessary and it is suggested to be removed);

building the plurality of query parameters by associating, with each of the obtained query parameter names, each of the at least one identified query qualifiers corresponding thereto and each of the at least one identified value usable therewith (paragraph 0077, lines 10-17); and

displaying on the query user interface, for each of the built query parameters, the obtained query parameter name, a first selector usable to select one of the at least one query qualifiers associated therewith, and a second selector usable to select at least one of the at least one values associated therewith (paragraph 0084, wherein “usable is unnecessary and it is suggested to be removed); and

enabling a user to build a query command, to query the content source by using, for each of at least one of the displayed query parameter names, the first selector to select one of the associated query qualifiers and using the second

selector to select at least one of the associated values (paragraph 0084, wherein “enabling” is not necessarily committing the action. It means that the action could be committed but doesn’t have to. It is suggested that the “enabling” be removed or changed to be more direct).

Goldberg et al. does not explicitly teach “programmatically”.

Goldberg et al. however teaches a process of identification and building a query (paragraph 0035; paragraph 0077, lines 10-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Goldberg et al with the decision of in re Venner, 262 F.2d 91, 120 USPQ 193 (CCPA 1958) and Leapfrog Enterprises, Inc. v. Fischer Price, Inc., 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007) because automating a process is obvious.

Goldberg et al. does not teach programmatically identifying, for at least one of the obtained query parameter names, at least one value usable therewith as a query parameter value.

Geller et al. does teach programmatically identifying, for at least one of the obtained query parameter names, at least one value usable therewith as a query parameter value (column 4, lines 47-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Goldberg et al. by teachings of Geller et al. to include programmatically identifying, for at least one of the obtained query parameter names, at least one value usable therewith as a query parameter

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value because it is easier to build a successful query when the constraint type is limited by the type of data.

As per claim 4 Goldberg et al. as modified is directed to further comprising the: programmatically identifying at least one query extension parameter for the query command, responsive to a request from the user to extend the display on the query user interface, further comprising, for each of the at least one query extension parameters (Goldberg et al., paragraph 0086, lines 1-12):

using at least one of the obtained query parameter names to obtain a related query parameter name (Goldberg et al., paragraph 0086, lines 14-18);

programmatically identifying at least one query qualifier corresponding to the obtained related query parameter name, each query qualifier usable in determining a match when comparing selected ones of the content values to the obtained related query parameter name (Goldberg et al., paragraph 0041, wherein "usable is unnecessary and it is suggested to be removed); and

programmatically building the query extension parameter by associating, with the obtained related query parameter name, the programmatically-identified at least one query qualifier corresponding thereto (Goldberg et al., paragraph 0077, lines 10-17); and

wherein the displaying further comprises also displaying each of the at least one programmatically-identified query extension parameters as additional

ones of the programmatically-built query parameters (Goldberg et al., paragraph 0084).

As per claim 6 Goldberg et al. as modified is directed to wherein the using at least one of the programmatically-determined content types further comprises using information regarding the content source when consulting the lookup component (Goldberg et al., paragraph 0035).

As per claim 24 Goldberg et al. is directed to a computer-implemented system configured to programmatically build queries, comprising:

a computer comprising a processor (paragraph 0104, lines 5); and
instructions (paragraph 0104, line 9) which execute using the processor to implement functions comprising:

building a query user interface to query a content source, wherein the query user interface comprises a plurality of query parameters, each query parameter comprising a unique query parameter name, a query qualifier, and a query parameter value, further comprising (figure 7, reference numbers 750, 752, 758, 760);

dynamically identifying the content source to be queried (paragraph 0035);

determining a plurality of content values specified in the dynamically-identified content source (paragraph 0035);

determining, based on the specified content values, a plurality of content types corresponding thereto (paragraph 0028, page 3, lines 1-9);

using at least one of the determined content types to consult a lookup component to obtain at least two query parameter names usable to query the content source (paragraph 0035, lines 5-8, wherein "usable is unnecessary and it is suggested to be removed);

identifying, for each of the obtained query parameter names, at least one value usable therewith as a query parameter value (paragraph 0040);

building the plurality of query parameters by associating, with each of the obtained query parameter names, each of the at least one programmatically-identified query qualifiers corresponding thereto and each of the at least one programmatically-identified values usable therewith (paragraph 0077, lines 10-17); and

displaying on the query user interface, for each of the programmatically-built query parameters, the obtained query parameter name, a first selector usable to select one of the at least one query qualifiers associated therewith, and a second selector usable to select at least one of the at least one values associated therewith (paragraph 0084, wherein "usable is unnecessary and it is suggested to be removed); and

enabling a user to build a query command to query the content source by using, for each of at least one of the displayed query parameter names, the first selector to select one of the associated query qualifiers and using the second selector to select at least one of the associated values (paragraph 0084, wherein "enabling" is not necessarily committing the action. It means that the action could

be committed but doesn't have to. It is suggested that the "enabling" be removed or changed to be more direct).

Goldberg et al. does not explicitly teach "programmatically".

Goldberg et al. however teaches a process of identification and building a query (paragraph 0035; paragraph 0077, lines 10-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Goldberg et al. with the decision of in re Venner, 262 F.2d 91, 120 USPQ 193 (CCPA 1958) and Leapfrog Enterprises, Inc. v. Fischer Price, Inc., 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007) because automating a process is obvious.

Goldberg et al. does not teach programmatically identifying, for at least one of the obtained query parameter names, at least one value usable therewith as a query parameter value.

Geller et al. does teach programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name (column 4, lines 47-52, wherein "usable is unnecessary and it is suggested to be removed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Goldberg et al. by teachings of Geller et al. to include programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier

usable in determining a match when comparing selected ones of the content values to that query parameter name because it is easier to build a successful query when the constraint type is limited by the type of data.

As per claim 25 Goldberg et al. is directed to a computer program product configured to programmatically build queries, the computer program product embodied on one or more computer-readable storage media and comprising computer-readable program code for:

building a query user interface to query a content source, wherein the query user interface comprises a plurality of query parameters, each query parameter comprising a unique query parameter name, a query qualifier, and a query parameter value, further comprising computer-usable program code for:
(figure 7, reference numbers 750, 752, 758, 760):

dynamically identifying the content source to be queried (paragraph 0035);

determining a plurality of content values specified in the dynamically-identified content source (paragraph 0035);

determining, based on the specified content values, a plurality of content types corresponding thereto (paragraph 0028, page 3, lines 1-9);

using at least one of the determined content types to consult a lookup component to obtain at least two query parameter names usable to query the content source (paragraph 0035, lines 5-8);

identifying, for each of the obtained query parameter names, at least one value usable therewith as a query parameter value (paragraph 0040);

building the plurality of query parameters by associating, with each of the obtained query parameter names, each of the at least one identified query qualifiers corresponding thereto and each of the at least one identified values usable therewith (paragraph 0077, lines 10-17); and

displaying on the query user interface, for each of the built query parameters, the obtained query parameter name, a first selector usable to select one of the at least one query qualifiers associated therewith, and a second selector usable to select at least one of the at least one values usable therewith (paragraph 0084); and

enabling a user to build a query command to query the content source by using, for each of at least one of the displayed query parameter names, the first selector to select one of the associated query qualifiers and using the second selector to select at least one of the associated values (paragraph 0084 , wherein “enabling” is not necessarily committing the action. It means that the action could be committed but doesn’t have to. It is suggested that the “enabling” be removed or changed to be more direct).

Goldberg et al. does not explicitly teach “programmatically”.

Goldberg et al. however teaches a process of identification and building a query (paragraph 0035; paragraph 0077, lines 10-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Goldberg et al. with the decision of in re Venner, 262 F.2d 91, 120 USPQ 193 (CCPA 1958) and Leapfrog Enterprises, Inc. v. Fischer Price, Inc., 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007) because automating a process is obvious.

Goldberg et al. does not teach programmatically identifying, computer-readable program code for programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name.

Geller et al. does teach computer-readable program code for programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name (column 4, lines 47-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Goldberg et al. by teachings of Geller et al. to include computer-readable program code for programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when

comparing selected ones of the content values to that query parameter name because it is easier to build a successful query when the constraint type is limited by the type of data.

7. Claims 3 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. (US 2005/0004911 A1) in view of Geller et al. (US 5,844,554) and further in view of Skillen et al. (US 6,098,065).

As per claim 3 Goldberg et al. as modified does not teach wherein the using step further comprises using information regarding the user when consulting the lookup component.

Skillen et al. teaches wherein the using step further comprises using information regarding the user when consulting the lookup component (Skillen et al., column 2, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the Goldberg et al. as modified by teachings of Skillen et al. to include wherein the using step further comprises using information regarding the user when consulting the lookup component because using user profile provides high value to the user (Skillen et al., column 2, lines 33-43).

As per claim 7 Goldberg et al. as modified does not teach wherein the information regarding the user comprises at least one of: a role of the user, preferences of the user, a device used by the user, or an identification of the user.

Skillen et al. teaches wherein the information regarding the user comprises at least one of: a role of the user, preferences of the user, a device used by the user, or an identification of the user (Skillen et al., column 2, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the Goldberg et al. as modified by teachings of Skillen et al. to include wherein the information regarding the user comprises at least one of: a role of the user, preferences of the user, a device used by the user, or an identification of the user because using user profile provides high value to the user (Skillen et al., column 2, lines 33-43).

Response to Arguments

Applicant's arguments with respect to claims 1, 3-4, 6-7, and 24-25 have been considered but are moot in view of the new ground(s) of rejection.

As to the applicant's argument that Goldberg et al. does not teach programmatically identifying and building steps, is not considered persuasive. Identifying and building steps are well known in the art. Automation of known operations is not novel as per in re Venner.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571) 272-1721. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571)272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski
February 19, 2008



CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100